



June 12, 2002

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
236 Massachusetts Ave, NE  
Suite 110  
Washington, DC 20002

**RE: Notice of Ex Parte Presentation: CC Docket No. 95-116**

Dear Ms. Dortch:

On Tuesday, June 10, 2003, Doug Byrns and the undersigned, both of Leap Wireless International, Inc., participated in three separate meetings with the following individuals: Barry Ohlson, Legal Advisor to Commissioner Adelstein; Paul Margie, Legal Advisor to Commissioner Copps; and Jennifer Salhus, Jared Carlson and Patrick Forster of the Wireless Telecommunications Bureau. The purpose of the meetings was to discuss Leap's position regarding the role of local number portability (LNP) in Cricket Communications' landline displacement strategy and the petition for declaratory ruling filed by the Cellular Telecommunications and Internet Association (CTIA) regarding the above-captioned proceeding.

CTIA's petition raises a number of important concerns. This is not simply another ploy to delay or avoid the Commission's wireless number portability requirement. As all the meeting participants were well aware, Leap has always championed the benefits of number portability and urges the Commission to act expeditiously on these implementation issues.

In particular we discussed the following four issues:

1) Rate Centers

We discussed that the majority of landline customers in each Cricket market would be unable to port their telephone numbers to Cricket if wireline carriers refuse to port a

Leap Wireless International, Inc.  
10307 Pacific Center Court  
San Diego, California 92121  
T (858) 882 6000  
F (858) 882 6080  
[www.leapwireless.com](http://www.leapwireless.com)



customer's number outside of the wireline carrier's applicable rate centers. Leap noted that it supports the CTIA position that wireline carriers have an obligation to port their customers' phone numbers to wireless carriers whose service area overlaps the wireline carriers' rate centers. We discussed the example of Cricket's Pittsburgh market where the phone numbers provided to us for assignment to customers correspond to less than a third of the wireline carrier's rate centers in the Cricket coverage area.

The LECs should be required to port numbers within MSAs, and without regard to rate centers. Their objection to this requirement does not stem from technical issues, but rather from economic issues – they stand to lose toll revenue if the current rate center construct is changed, but more importantly, the wireline incumbents hope to avoid the competition that full number portability will bring.

## 2) Porting Interval

We discussed the disparity between the wireline porting standard interval of up to five days and the desire of CTIA and Leap to have the FCC mandate a shorter porting interval. Shortening the porting interval would mitigate the problems associated with proper E911 call-back capability. Moreover, this is a competitive issue: a longer porting interval means a greater "switching cost" to the consumer.

## 3) Testing and Interconnection Agreements

We discussed Leap's support for CTIA's position that the FCC should clarify that amendments to existing interconnection agreements between wireline carriers and wireless carriers are not needed to pursue porting and inter-carrier testing required prior to porting. We discussed the case of one large local exchange carrier that insists that Cricket must amend the existing interconnection agreement between the two companies in order to proceed with porting.

All that is required to implement intermodal number portability is a simple service level agreement, not an amended interconnection agreement with all its attendant complications and subject to state PUC review. Yet again, the wireline incumbents are using this as a ploy to forestall the day they must compete head-to-head with wireless carriers.



#### 4) Timing

The FCC should under no circumstances delay LNP. Consumers have waited for years for the competition and consumer benefits it will bring. The unusually widespread press coverage of the FCC's victory in the D.C. Circuit is just one indication of the popular support that this initiative has. Consumers want number portability and they want it now: the FCC should not delay its implementation beyond November 24<sup>th</sup>. However, if (to the great detriment of consumers and competition) wireless LNP were to be delayed again by the FCC or Congress, the FCC should clarify that wireline carriers have a current obligation to port to wireless carriers, just as they do with their wireline competitors.

Leap likewise agrees with CTIA that the Commission should act to resolve these various outstanding issues no later than Labor Day.

Consistent with the Commission's rules, we are filing an electronic copy of this notice in the above-captioned proceeding and request that you place it in the record of this proceeding.

Sincerely,

A handwritten signature in purple ink, appearing to read "Laurie Itkin", is written over a faint, larger version of the same signature.

Laurie Itkin  
Director, Government Affairs

cc: Barry Ohlson  
Paul Margie  
Jared Carlson  
Jennifer Salhus  
Pat Forster